

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DANIEL R. SMITH

Plaintiff

v.

STEPHEN S. MCKINNEY, et al.,

Defendants

Case No. 2:22-cv-02983-JDW

ORDER

AND NOW, this 6th day of October, 2023, upon consideration of Defendants' Motion for Summary Judgment (ECF No. 25), for the reasons stated in the accompanying Memorandum, it is **ORDERED** that the Motion is **GRANTED IN PART** and **DENIED IN PART**, as follows:

1. Summary judgment is **GRANTED** as to Counts I and II for claims arising from the arrest and the denial of medical care;
2. Summary judgment is **GRANTED** as to all claims against Chief Francis Peterson;
3. Summary judgment is **GRANTED** as to all claims against Rising Sun;
4. Summary judgment is **GRANTED** as to all claims of negligent infliction of emotional distress; and

5. Summary judgment is **DENIED** as to excessive force, failure to intervene, intentional infliction of emotional distress, assault, and battery.

BY THE COURT:

/s/ Joshua D. Wolson

JOSHUA D. WOLSON, J.